IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 8932 of 2007(L)

PETITIONER:

SUBHADRA AMMA S.,
ICDS SUPERVISOR, ICDS PROJECT, PATHANAPURAM,
KOLLAM DISTRICT.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, SOCIAL WELFARE (A)DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR,
SOCIAL WELFARE DEPARTMENT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.8932 OF 2007-L

Judgment

The petitioner is an ICDS Supervisor, working under the respondents. Her next promotion post is that of Child Development Project Officer. The Government have framed Special Rules, prescribing the qualification and method of appointment to the said post on 05.08.1992. The petitioner submits, the said Special Rules are not in conformity with the directions issued by the Central Government, concerning the same. The scheme is a centrally sponsored scheme and therefore, the Central Government have issued directions, how the appointment to the post of Child Development Project Officer should be made. According to the Central Government, the recruitment to the said post should be made in the following manner :

> *"For recruitment to the post of CDPOs, the Recruitment Rules should be so framed or revised as provided for filling up of 75% of the posts by promotion from female Supervisors of ICDS Projects and the remaining 25% posts by direct recruitment."*

The grievance of the petitioner is that the Special Rules were not amended, taking into account, the above direction. So, she has preferred Exts.P4 and P5 representations, requesting the Government to amend the Special Rules in tune with the above direction issued by the Central Government. This Writ Petition is filed, praying inter alia, for a direction to the State Government to pass orders on Exts.P4 and P5.

2. I heard the learned counsel on both sides. Framing of Rules is a legislative function. It is well settled that this Court cannot issue directions to frame or amend any Rules in a particular manner. The Government do not owe any duty to any one in this regard and no employee can claim any corresponding right also. If that be so, there is no justification for this Court to direct the Government to consider and pass orders on Exts.P4 and P5. Accordingly, the Writ Petition fails and it is dismissed. But, this will not stand in the way of the Government, considering Exts.P4 and P5 on merits, if it thinks fit.

29.05.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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